

Applicant submits that the claims of Groups I and III should be examined concurrently because the field of search for the claims of Group III substantially encompasses the field of search for the claims of Group I. The avowed purpose of the Patent and Trademark Office in requiring an election is the avoidance of a burdensome examination, i.e., to avoid multiple searches. However, MPEP §803 provides that if a search and examination of the entire application can be made without serious burden, the examiner is encouraged to examine it on the merits even if it is to include claims to two different independent inventions.

Applicant respectfully submits that the concurrent examination of the claims of Group I and Group III will not place an undue burden on the Patent and Trademark Office. The Office Action asserts that the subject matter of the claims of Group I relates to a tape dispenser. The Office Action further asserts that the subject matter of the claims of Group III are drawn to a tape application system. Applicant points out that the claims of Group III also require a tape dispenser. As a result, the subject matter of the claims of Group I, i.e., a tape dispenser, is substantially encompassed by the subject matter of the claims of Group III, a tape application system that includes a tape dispenser. Applicant contends that the search for the claims of Group III should include Class 156, subclass 361, as well as Class 156, subclass 577, since the claims of Group III require a tape dispenser.

As a result, applicant respectfully requests that the examiner concurrently prosecute of the claims of Group I and the claims of Group III.

Respectfully submitted,

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